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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,547	08/11/2000	Richard Koenig	110273.00102	8847

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05/23/2002

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EXAMINER

HWANG, JOON H

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,547

Applicant(s)

KOENIG

Examiner

Joon H. Hwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 42-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6,7,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The claims 1-41 are canceled as mentioned blow in election/restrictions section.
Thus, the pending claims are 42-51.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-41, drawn to matching data in database for a first and a second party, classified in class 707, subclass 6.
 - II. Claims 42-51, drawn to generic database structure, classified in class 707, subclass 100.
3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because searching and matching data in database between a first party and a second party. The subcombination has separate utility such as table data structure in relational database.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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5. During a telephone conversation with David J. Edmondson (Reg. No. 35,126) on 5/8/02 a provisional election was made without traverse to prosecute the invention of 09/636547, claims 42-51 are elected. Affirmation of this election must be made by applicant in replying to this Office action. Claim 1-41 are canceled from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 42-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Kouchi et al. (U.S. Patent No. 5,802,511).

With respect to claim 42, Kouchi discloses a computer-readable storage medium (lines 5-17 in col. 9). Kouchi discloses a first data table storing identifying information (index) about an entity (fig. 4D). Kouchi discloses a second data table storing characteristic information (account, employee, or project), which comprises an identification of a category to which the entity belongs, on the entity (table I in col. 4 and col. 5 and fig. 4). Kouchi discloses a third data table storing descriptive information (bank #1 for account, sales for employee, research for project) about category (fig. 4,

table I in col. 4 and col. 5, lines 14-43 in col. 7). Kouchi also discloses information and structure may be stored in a number of different fashions (lines 15-16 in col. 8).

With respect to claim 43, Kouchi discloses a relational database (lines 14-39 in col. 2 and lines 56-57 in col. 3).

With respect to claim 44, Kouchi discloses the first data table and second data table identify the entity by an identification field and the first data table is linked to the second data table by the identification field (fig. 4 and lines 43-60 in col. 7).

With respect to claim 45, Kouchi discloses the second table identifies a subcategory within the category (lines 13-30 in col. 5, table I in col. 4 and col. 5, and fig. 4). Kouchi discloses storing descriptive information (actual data) about the subcategory (fig. 4 and table I in col. 4 and col. 5).

The limitations of claim 46 are rejected in the analysis above of claim 42, and the claim is rejected on that basis.

The limitations of claim 47 are rejected in the analysis above of claim 43, and the claim is rejected on that basis.

The limitations of claim 48 are rejected in the analysis above of claim 44, and the claim is rejected on that basis.

The limitations of claim 49 are rejected in the analysis above of claim 45, and the claim is rejected on that basis.

With respect to claims 50 and 51, Kouchi discloses a query (with category or subcategory) and query results (lines 61-67 in col. 7 and lines 1-14 in col. 8).


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 703-305-6469. The examiner can normally be reached on 9:30-6:00(M~F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5397 for regular communications and 703-308-5397 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Joon Hwang
May 19, 2002


HOSAIN T. ALAM
PRIMARY EXAMINER